

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 31, 1952
10:00 A. M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Absent: Councilman White

Councilman Johnson moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

MRS. G. L. ALEXANDER, appeared before the Council and requested water and sewer connections at the corner of Denison and Chesterfield. She stated she could not get a building permit until she has the connections and the water and sewer lines were only about 27' from her property. Mr. Elmer Denison joined Mrs. Alexander in this request. The City Manager was asked to check this.

MR. TOM GREENING, Chairman of the Public Affairs Committee of the Junior Chamber of Commerce, requested the Council to permit the firemen to take applications for poll taxes again this year. Councilman Long moved that the Junior Chamber of Commerce be authorized to work with the Firemen in taking applications for poll taxes for the coming year. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE ORDERING AN ELECTION IN THE CITY OF AUSTIN, TEXAS, TO BE HELD ON JANUARY 31, 1953, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF AUSTIN, FOR ADOPTION OR REJECTION, CERTAIN AMENDMENTS TO THE EXISTING CHARTER OF SAID CITY.

The ordinance was read the third time and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Mayor Drake
Noes: Councilman Long
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

MR. MARION SHAFER spoke briefly against submitting the amendments at this time and asked the Council to reconsider and submit them at a later date.

MR. FRANK ERWIN, representing the Good Government League, stated the League will work for the amendments and will advise the people of the effect and meaning of the amendments by newspaper, radio and public meetings. He requested the Council to publish the parts of the present Charter to be repealed or amended and mail them to the qualified voters. Mr. Herman Jones was present and joined in the request. Councilman Long moved that the old parts of the present Charter to be repealed or amended be published and sent out as the proposed amendments are being sent out. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The following ordinance was introduced and authorized for publication:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 117.2 ACRES OF LAND, MORE OR LESS, OUT OF THE JAMES P. WALLACE SURVEY, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a commercial boat dock on the property owned by E. D. Grimmer as described in the Travis County Deed Records, and hereby authorizes the said E. D. Grimmer to construct, maintain and operate this commercial boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this commercial boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted

subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said E. D. Grimmer has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"December 31, 1952

"Mr. Walter E. Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of E. D. Grimmer, owner of a piece of property located upstream from the westerly extension of the south line of Windsor Road and listed in the Travis County Deed Records, for permission to construct and maintain a commercial boat dock projecting out into Lake Austin 50 feet. This property is located approximately twenty miles upstream from Tom Miller Dam and is adjacent to Quinlan County Park. I recommend that if E. D. Grimmer is granted his request by the City Council that it be subject to the following conditions:

"(1). That nothing but creosoted piles, cedar piles or concrete piles, substantially braced to withstand wind and water pressure, be used in the construction and that no structure shall be nearer than ten feet to any side property line of the owner of applicant.

"(2). That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.

"(3). That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4). That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"(5). That before any gasoline dispensing equipment is installed, a permit shall be secured as provided under the ordinance governing the storage and handling of gasoline and other volatile liquids and equipment.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White,

The application of MRS WILLIE HORTON for permission to operate a rest home at 1004 Olive Street was heard. No one appeared in person to protest but several letters were received and read requesting the Council to deny the application. Mayor Drake stated he would like to look at the property and the Council would vote on the application next week.

Councilman MacCorkle moved that a public hearing be set for January 22, 1953 on the Zoning Ordinance text, dealing with Hospitals, Clinics, Convalescent Homes, etc. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
 Noes: None
 Absent: Councilman White

The Zoning application of MR. JACK SPARKS at 607 West 12th Street was set for public hearing on January 22, 1953.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, C. Ben Hibbetts is the Contractor for the alteration of a building located at 701 Congress Avenue and desires a portion of the sidewalk space abutting Lots 1 and 2, Block 84, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said C. Ben Hibbetts, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at a point approximately 45 feet east of the west property line of the above described property; thence in a southerly direction and at right angles to the centerline of East 7th Street 4-1/2 feet to a point; thence in a westerly direction and parallel with the centerline of East 7th Street approximately 45 feet to a point; thence in a northerly direction and at right angles to the centerline of East 7th Street to the southwest corner of the above described property;

Thence in a westerly direction and at right angles to the centerline of Congress Avenue 4-1/2 feet to a point; thence in a northerly direction and parallel with the centerline of Congress Avenue approximately 40 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the west line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said C. Ben Hibbetts, hereinafter termed "Contractor", upon the following

express terms and conditions:

(1). That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking spaces for the delivery or removal of materials during construction work.

(2). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades'.

(3). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than March 1, 1953.

(6). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, John Broad is the Contractor for the remodeling of a building located at 111 East 8th Street and desires a portion of the sidewalk and street space abutting Lot 7, Block 84, of the Original City of Austin, Travis County, Texas, during the remodeling of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said John Broad, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of East 8th Street to a point 12 feet north of the south curb line; thence in an easterly direction and parallel with the centerline of East 8th Street approximately 40 feet to a point; thence in a southerly direction and at right angles to the centerline of East 8th Street to the north line of the above described property.

2. That the above privileges and allotment of space are granted to the said John Broad, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a four-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least four feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than February 15, 1953.

(6). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Brake

Noes: None

Absent: Councilman White

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, C. Ben Hibbetts is the Contractor for the alteration of a building located at 600 Brazos Street and desires a portion of the sidewalk and street space abutting Lots 11 and 12, Block 69, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said C. Ben Hibbetts, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point 70 feet north of the south property line; thence in an easterly direction and at right angles to the centerline of Brazos Street to a point 12 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of Brazos Street 70 feet to a point; thence in a westerly direction and at right angles to the centerline of Brazos Street to the southeast corner of the above described property.

Thence in a southerly direction and at right angles to the centerline of East 6th Street to a point 12 feet south of the north curb line; thence in a westerly direction and parallel with the centerline of East 6th Street approximately 40 feet to a point; thence in a northerly direction and at right angles to the centerline of East 6th Street to the south line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said C. Ben Hibbetts, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a four-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least four feet high and substantially braced and anchored and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than April 1, 1953.

(6). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED:
"AN ORDINANCE ESTABLISHING THE SPEED LIMIT
FOR MOTOR VEHICLES IN THE CITY OF AUSTIN AND
ESTABLISHING THE MAXIMUM, REASONABLE AND
PRUDENT SPEED LIMIT ON CERTAIN DEFINED STREETS;
PROVIDING A PENALTY FOR THE VIOLATION OF SAME;
PROVIDING A SEVERABILITY CLAUSE; AND DECLARING
AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY
THE CITY COUNCIL OF THE CITY OF AUSTIN SEPTEMBER
2, 1948, AND IS RECORDED IN BOOK "N", PAGES
291-293, INCLUSIVE, OF THE ORDINANCE RECORDS OF
THE CITY OF AUSTIN, BY AMENDING SECTION 2 RE-
PEALING TO SPEED LIMITS ON CERTAIN STREETS; RE-
PEALING ALL ORDINANCES OR PARTS OF ORDINANCES
IN CONFLICT HEREWITH; DECLARING AN EMERGENCY
AND SUSPENDING THE RULE REQUIRING THE READING
OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The ordinance was read the third time and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 18 (b) OF ARTICLE IV, RELATING TO LOCATION OF NO PARKING ZONES ON STREETS ADJACENT TO SCHOOLS BETWEEN SPECIFIC HOURS ON SCHOOL DAYS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilman Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman MacCorkle,

carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
 Noes: None
 Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Resubdivision of Lots 45, 46, 47 and A Portion of Lot 44 of Sun Terrace", approved by the City Plan Commission of the City of Austin on November 13, 1952, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
 Noes: None
 Absent: Councilman White

The Council received notice from the City Manager that the following applications for change of Zoning had been referred to the Zoning Commission:

W. K. Jennings Electric Co.	2200-04 Maple Avenue	From "A" To "C"
P. S. Crawford & Delma Spell by Mrs. E. G. Hestilow	1308 and 1402-06 Fort View Road	From "A" To "C"

Councilman Long inquired about a sewer connection at 1805 St. Johns, belonging to Mr. T. Leo Basham. Mr. C. G. Levander stated the sewer line was under construction and would be complete in about two weeks.

Councilman Long reported a bad street and drainage situation for Mr. Fred Roberts at 3301 Breedlove Court and asked the City Manager to check it.

Mayor Drake and the Council wished the City Employees and the City Manager a Happy New Year.

There being no further business, the Council adjourned subject to the call of the Mayor, at 11:00 A.M.

APPROVED:

W. S. Driscoll
Mayor

ATTEST:

Grace Monroe
Deputy City Clerk